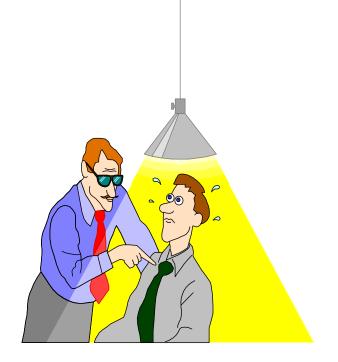
### Review of Day 3



# DISCIPLINE AND ADVERSE ACTIONS ( Dealing with the Problem Employee)



#### **OBJECTIVES**

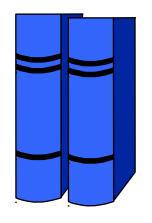
- Explain the different processes for correcting disciplinary problems
- Identify and explain the key principles involved in taking corrective action





#### REFERENCES

- 5 Code of Federal Regulations, Part 752
- 5 Code of Federal Regulations, Part 432
- Army Regulation 690-700, Chapter 751



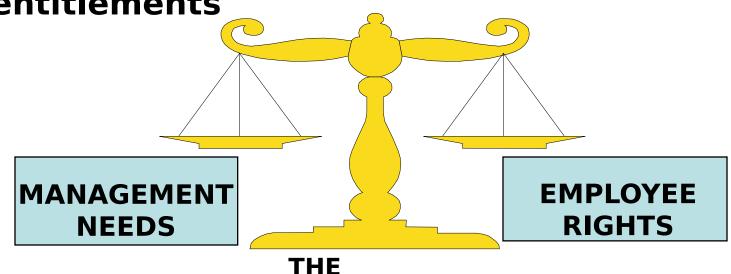
#### ROLE OF THE SUPERVISOR

- ◆ <u>COMMUNICATE</u> employment policies and conduct/performance expectations.
- **◆ MAINTAIN** morale among employees.
- MOTIVATE conformance to acceptable standards of conduct and performance.
- **◆ CORRECT** conduct or performance deficiencies.

#### ROLE OF CPAC ADVISOR/HRS

- Guide and assist management
- Prepare disciplinary and adverse action notices

Advise employees of rights and entitlements



#### ROLE OF EMPLOYEE

Report for Duty
Ready, Willing and Able to V
Abide by Work Rules
Perform All Duties Satisfactorily
Provide Information to Agency
Officials
Conducting Official Inquiries

**Obey Orders** 

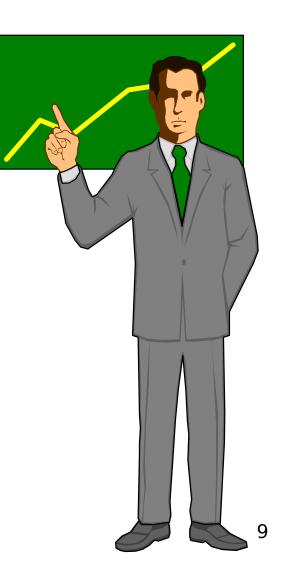
# PROBLEM EMPLOYEES IMPACT ON PRODUCTIVITY

- Wastes time.
- Disrupts the work place.
- Brings down morale.
- Reduces team performance.
- Creates a negative work place.



## BEFORE RESORTING TO CORRECTIVE ACTION.....

- > Contact your CPAC HRS
- Assess your problem employee
- Confront the problem early
- Monitor the situation



### ASSESS YOUR PROBLEM EMPLOYEE

#### What is the issue?....

- The employee "doesn't know" → Knowledge
- The employee "can't do" → Aptitude
- The employee is "not allowed to do"
- The employee "won't do"

- → System problem
- → Attitude

#### **KEY PRINCIPLE:**

DISTINGUISHING BETWEEN CONDUCT & PERFORMANC

|                 | CONDUCT       | <b>PERFORMANCE</b>       |
|-----------------|---------------|--------------------------|
| Type of Offense | Won't do iŧ── | Can't do it              |
| Standard        | Nexus ←       | Unacceptable performance |
| Process         | Chapter 75 →  | Chapter 43               |
| Penalty         | Suspend ←──   | Cannot<br>suspend        |

Mitigate

**MSPB** 

**Review** 

Sustain/Overturn

11

#### WHAT IS MISCONDUCT?

The deliberate or negligent breaking of a rule or requirement.

**Making Rude Comments** 

**Fightin** 

**Grailure to Follow Procedures** 

Insubordinati on \_\_\_\_.

**Sleeping on Duty** 

#### CAUSES OF MISCONDUCT

- Employee personal problems
- Poor attitude toward work
- Lax or inconsistent enforcement of rules
- Desire for personal gain at the expense of others
- Lack of motivation
- Bad example set by others
- Provocation by supervisors or coworkers
- Lack of maturity
- Pressure and personal stress

### CONFRONT THE PROBLEM EARLY

#### Prevents:

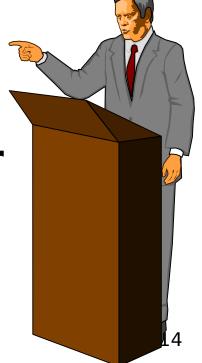
Slowdown in productivity

The problem from spreading

A sense of entitlement

 Lower levels of conduct and/or performance from becoming the standard

As the supervisor, you must act.



#### MONITOR THE SITUATION

#### Communicate, Investigate, Act

- Do provide immediate feedback.
- Do be specific and provide examples.
- Do think about what you say.
- Do document and keep memory

- Don't provide only negative feedback.
- Don't jump to conclusions.
- Don't overlook the importance of words.



# DISTINGUISHING BETWEEN CONDUCT & PERFORMANCE



#### WHAT IS DISCIPLINE?

-Tool used by supervisors to resolve misconduct & maintain an

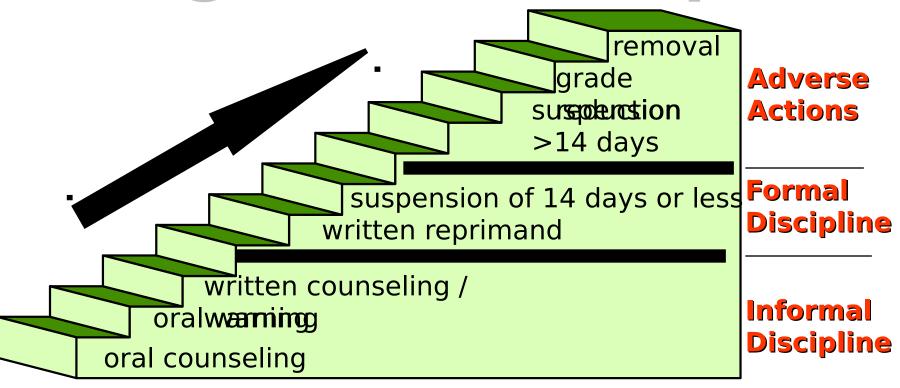
effective

& orderly workplace

- Corrective in nature

- Generally, Progressive

# KEY PRINCIPLES Progressive Discipline



All Formal Disciplinary Actions Must Be Coordinated With the CPAC

#### **KEY PRINCIPLES**

- ➤ Timely action must be taken promptly to be supportable and meaningful.
- Reasonable the penalty must fit the offense.
- Consistent similar penalty for similar offense.
- > Non-discriminatory action must

#### **KEY PRINCIPLES**

- > Promote the "Efficiency Of The Service"
- → The action helps your agency function better.
- → Nexus reasonable connection between the offense and its effect on the job or agency.
- Off-Duty Misconduct
  - → "egregious" standard depending on the



#### Nexus or Not?....



#### TAKING DISCIPLINARY ACTION

#### **Purpose**

- To correct behavior/conduct
- > To correct and improve performance
- > Prevent prohibited activities
- Maintain conduct & more of workforce

#### DISCIPLINARY ACTION STEPS

- Investigate the incident
- Document your findings
- Determine if disciplinary action is appropriate
- Determine the penalty
- Propose the action (Except Letters of Reprimand)

23

Deciding official renders decision

### BEFORE YOU START.....

- → INCIDENT ASSESSMENT
  - What happened...?
  - criminal conduct involved...?
  - **☑** ow urgent a response is required...
  - ✓ Is the conduct actionable....?

## WHY INVESTIGATE....?

The purpose of an investigation is to find out what really happened by establishing the facts.



### INVESTIGATING THE INCIDENT...



Remember, the purpose is to establish the facts.

Get the employee's side of the story first whenever possible:

ntact employee as soon as possible aware of Right to Representation (Weingarte aware of Privacy Act concerns

# INVESTIGATING THE INCIDENT... (CONTINUED)

### Next Step, contact all witnesses:

- interview anyone who witnessed or could have witnessed the incident
- be sure to talk to all, even those who say nothing happened



# EVIDENCE

**PURPOSE:** to prove or disprove the facts

#### **TYPES OF EVIDENCE:**

- Physical
- Documentary
- Testimonial



# INVESTIGATING THE INCIDENT... (CONTINUED)



#### BE SURE TO DOCUMENT YOUR FINDINGS

Describe the incident/discussion in detail:

- Date & time
- Place
- Witnesses
- Behavior
- Tall it like it is



# once you find out...



ecide whether to discipline

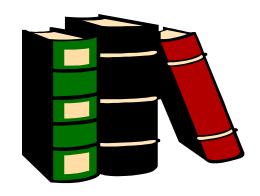
- whom to discipline
  - for what reasons

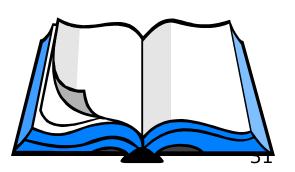
### Two main reasons agencies lose their case:

- Did not prove the facts, or
- Proved the facts, but the conduct was not actionable.

#### DETERMINE THE PENALTY

- > Consult the "Table of Penalties"
- > Consider the "Douglas Factors"





#### TABLE OF PENALITIES

AR 690-700, CHAPTER 751

http://www.cpol.army.mil/permiss/5a 111.html

Suggested range of penalties

It is a guide, not a rigid standard

**Deviations are allowable** 

havioral offenses - progressive disciplin

Offenses warranting punitive discipline

#### PENALTY SELECTION

Insubordination function of to removal authority

First Offense Second Offense Third Offense Second Offense Third Offense Third Offense Third Offense Second Offense Third Offense Third Offense Third Offense Second Offense Third Offense Thir



#### PENALTY SELECTION

Probationary employees

- · Counseth the stide of the strong May Bemisconduct
- If no improvement, TERMINATE appointment

 Complete action BEFORE the end of the probationary period

#### DOUGLAS FACTORS

- Nature, Seriousness Of Offense
- Job Level, Type Of Employment
- Past Disciplinary Record
- Past Work Record
- Effect On Ability To Perform Satisfactorily
- Consistency Of Penalty For Similar Douglas v. Veterans Administration

#### **DOUGLAS FACTORS**

- Notoriety Of Offense, Impact On Agency Reputation
- Employee Warned Or Clearly Aware
   Of
   Rules
- Potential For Rehabilitation
- Mitigating Circumstances
- Adequacy, Effectiveness Of



- Written Reprimand
- Suspension 14 days or less



#### **ADVERSE ACTIONS**

 Suspension (more than 14 days), Removal, Reduction in Grade/Pay, Furlough (30 days or less)

#### WRITTEN REPRIMAND

- Supervisor investigates & discusses with employee
- Letter must contain:

- 1. Description of offenses
- 2. Retention in OPF (1yr. 3 yr.)
- 3. Recount former instances
- 4. Warning more severe action
- 5. Advise on EAP (if appropriate)
- 6. Grievance rights

#### PROPOSE THE ACTION

#### **Proposal Letter Must Provide:**

- Reasonable advance notice (30 days) including statement of the specific facts in support of the proposed action.
- Opportunity to review the materials relied upon, including the governing regulations.
- Opportunity to reply
- Right to representation
- Written notice of decision
- Opportunity to grieve, appeal or

#### **DECIDING OFFICIAL**

- ⇒ Provides Impartial Review Of Adverse Action
  - ⇒ Considers Any Employee Response
  - **⇒** Considers Douglas Factors
- ⇒ Renders Final Witten Decision In A Timely Manner

# DECIDING OFFICIAL RENDERS DECISION

#### **Content of the Decision**

- REFERENCE TO PROPOSAL
- NATURE OF EMPLOYEE REPLY
- CONSIDERATION GIVEN TO EMPLOYEE REPLY
- EFFECTIVE DATE OF RESULTING ACTION
- RIGHTS TO GRIEVE OR APPEAL (if applicable)

### MISTAKES TO AVOID

Allowing Problems to Continue Too Long Before Correction

"Keeping a Book" or "Saving Up" a List of Occurrences

Failing to Communicate Rules/Requirements to Employees

**Applying Rules Inconsistently Imposing Inconsistent Penalties** 

Reassigning Employees Rather Than Correcting

**Problem** 

**Basing Disciplinary Action on Personalities Failing to Fully Investigate Facts** 

## **QUESTIONS?**





# LABOR LAW COUNSELOR



- Act as Agency Representative in 3<sup>rd</sup> party disputes
- Advise on civilian personnel actions
- Provide legal review for proposed and final labor actions

#### GRIEVANCE

Every Collective Bargaining Agreement (CBA) must have a grievance procedure in which the last step is arbitration. 5 USC 7121(a)(1)



### GRIEVANCE PROCEDURES

- Vary with CBA. Example:
- 1st Step: Informal, verbal, 1st line supervisor
- 2nd Step: Reduced to writing. Meet within 7 days of receipt of grievance form. Decision in writing in 10 days.
- 3rd Step: In writing, next higher supervisor within 7 days of Step 2 decision. CDR or designee renders decision in 14 days.

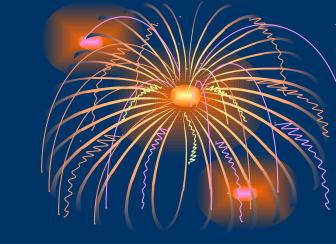
### **ARBITRATION**

- In accordance with CBA. Example:
- Invoke w/in 10 days of decision at last step
- Grievability issues raised within 10 days of invoking arbitration



### **ARBITRATION**

FMCS to get list of arbitrators



- Strike with union to determine who arbitrates the grievance unless CBA prescribes different method, or if parties agree on arbitrator
- Players: counsel, PAW, witnesses, arbitrator, union



### ARBITRATION

Manager of the second s

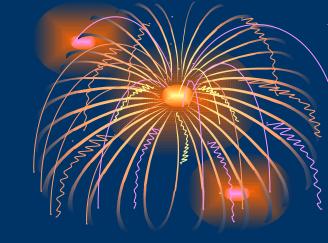
- GOOD:
- Resolve dispute
- Forecloses the same issue
- Limited review by FLRA
- Grieving party pays if they lose (CBA)

BAD:

- Arbitrators aren't consistent – work depends upon splits
- Testimony not always strong
- Losing party pays

# Merit System Protection Board

- Adjudicates appeals over which it has jurisdiction
- Over employees who have standing
- Removals, suspensions, furloughs, demotions
- Mixed case
- Various others





## MSPB PROCEDURES



**Employee Rights in Written Notice** 



Agency responds

Discovery

Hearing

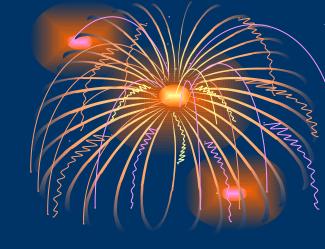
Request for Reconsideration

### STANDING

EMPLOYEE

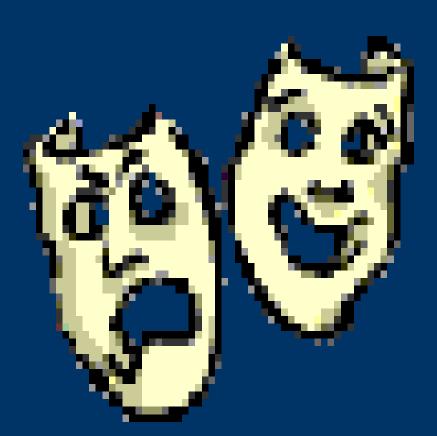
• NOT:

- PROBATIONARY
  - Not Used Enough
- NAF
- ACTIVE DUTY





### YOUR ROLE?



- Underlying action
- Witness
- Work with Labor Counselor in preparation for hearing
- Depositions
- Testimony
- Settlement

# MSPB HEARING PROCEDURE

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- Administrative Judge
- VTC
- Parties
- Testimony
- Initial Decision
- Petition For Review

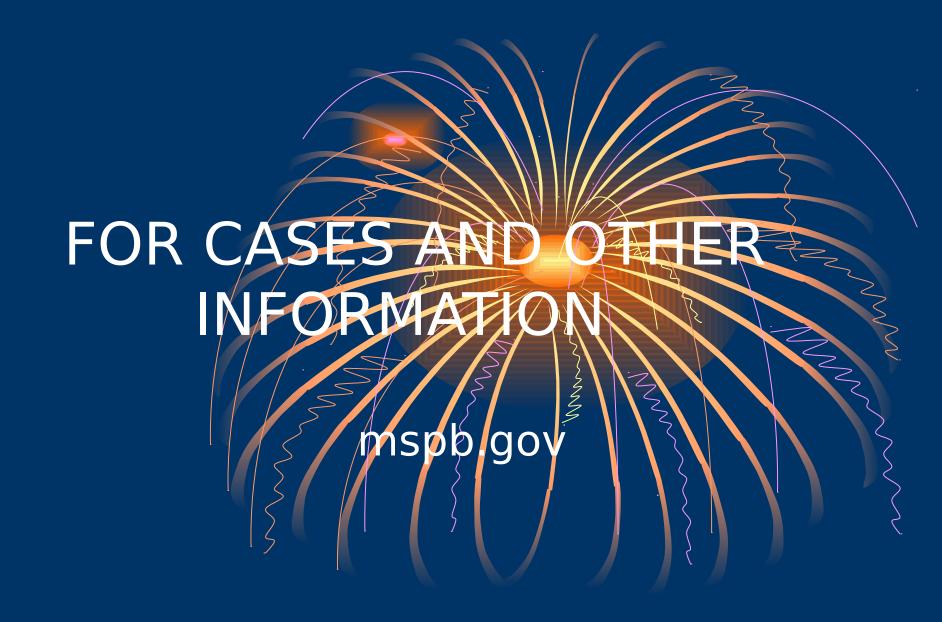


# POSSIBLE OUTCOMES AT MSPB

- AFFIRM AGENCY'S DECISION
- MITIGATE AGENCY'S DECISION
- OVERTURN AGENCY'S DECISION
- DENY APPELLANT JURISDICTION









## EEO INVESTIGATIONS

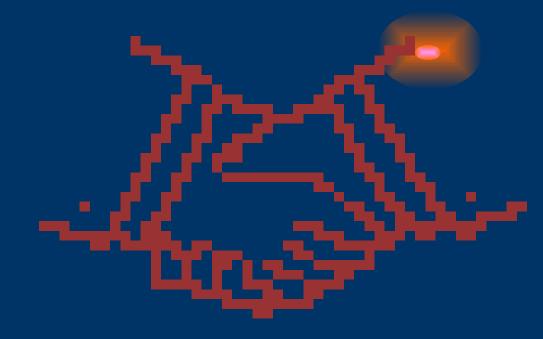
- Informal Complaint
- Mediation
- Formal Complaint
- Witnesses
- Record
- Notification
- Office of Complaint Investigations
- Employee's Right
- Do Not Discuss



### **MEDIATION**

The state of the s

- PARTIES
- PURPOSE
- POSITION



• SETTLEMENT?

# OCI USE OF ADR



 ENCOURAGES USE OF ALTERNATE DISPUTE RESOLUTION

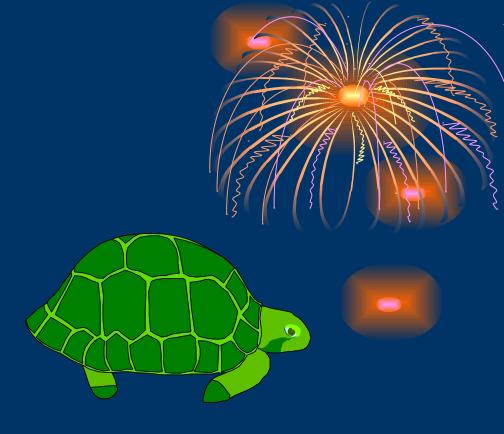
 OCI CHANGING APPROACH TO MEDIATION

## COST

FORMAL PROCESSING

MEDIATION

• \$



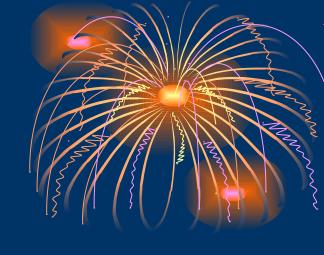


### EEOC HEARINGS

ADMINISTRATIVE PROCESS



- ADMINISTRATIVE JUDGE
- PARTIES



DECISION



COMPLIANCE

APPEAL

#### REMEDIES

The state of the s

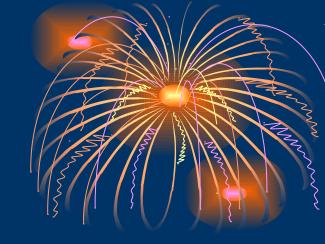
- BACK PAY
- FRONT PAY
- ATTORNEY FEES
- DECLARATORY RELIEF
- PLACEMENT, REASSIGNMENT, PROMOTION
- COMPENSATORY DAMAGES!!!!!!
- OTHER DAMAGES

# COMPENSATORY DAMAGES

- MUST DEMONSTRATE MALICE OR RECKLESS INDIFFERENCE
- MUST DEMONSTRATE DAMAGES
- SUBJECT TO 300K
- MUST PROVE MITIGATION
- PAST PECUNIARY NOT SUBJECT TO CAP
- FUTURE PECUNIARY ARE SUBJECT TO CAP



## YOUR RIGHTS AS A SUPERVISOR



- TAKE APPROPRIATE ACTIONS
- APPEAR AND GIVE TESTIMONY IN PROCEEDINGS



- REQUIRE ACCOUNTABILITY OF YOUR EMPLOYEE
   EVEN WHEN PARTICIPATING IN ANY PROCESS
- REQUEST ASSISTANCE AND ADVICE

#### **AVOID:**

RETALIATORY BEHAVIORS



 DISCUSSING THE COMPLAINT, APPEAL, OR GRIEVANCE WITH ANYONE EXCEPT...

 TAKING ACTION WITHOUT CONSULTING WITH CPAC

 TREATING EMPLOYEE IN "HANDS OFF" MANNER

# IN A HEARING OR ARBITRATION:



- SWEAR OR AFFIRM
- SPEAK; NO GESTURES
- ANSWER THE QUESTION
- ONLY ANSWER THE QUESTION
- COOPERATE

## CONTRACTOR ISSUES

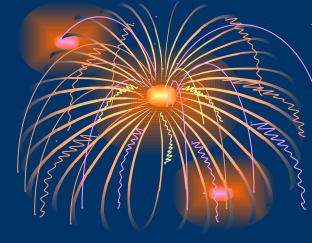
Abide by Contract



No POSH/Ethics/Other Training



## **QUESTIONS?**







# DISABILITY AND REASONABLE ACCOMMODATION



## MEDICAL ISSUES IN THE WORKPLACE



### DISABILITY DISCRIMINATION

#### **DEFINED** -

Failure to provide reasonable accommodation to a qualified disabled employee when it would not be an undue hardship and the accommodation is available...

### **DEFINITIONS**

- Qualified disabled person.
- Reasonable accommodation.
- Undue hardship.

Reference: http://www.eeoc.gov/

### **QUALIFIED DISABLED PERSON**

One who, with or without reasonable accommodation, can perform the essential duties of their position

### REASONABLE ACCOMMODATION

#### Defined...

 Any change in the work environment or in the

way things are customarily one that

would

enable a qualified individual with a disability to enjoy equal employment opportunities.

## Let's take a closer look at reasonable accommodation....

### **Examples:**

- job restructuring
- modified work schedule
- reassignment to a vacant position
- acquiring or modifying equipment
- changing exams, training

### materials or

- policies
- providing qualified readers or interpreters

### What is not required...

- Lower performance expectations
- Lower conduct requirements
- Restructure major duties
- Create new jobs
- Spend excessive amounts of money (BE CAREFUL not to cry budget woes)
  - Disrupt other employees
  - Endanger the employee, coworkers

or

public

# For each of the following situations, determine whether the employee meets the definition of:

- a) a <u>disabled</u> person
- b) whether he/she is a qualified disabled person
- c) what <u>accommodation</u>, if any, should the agency provide?
- if an accommodation is requested by the employee, is it <u>reasonable</u> or would it prove to be an <u>undue burden</u> to the agency?

- 1. Tim is a Computer Programmer. He has Multiple Sclerosis (MS). Due to the gradual loss of muscle coordination associated with his MS, he has recently begun to use a wheelchair. The duties of his position are primarily sedentary. His performance ratings over the last three years show no deterioration in his Success Level 2 (Highly Successful) performance.
- 2. James is involved in the fabrication of plastic components. He began experiencing some breathing difficulties and was diagnosed as suffering from asbestosis. As an accommodation, he proposed the use of an airfeed respirator. The respirator had a range of 25 feet which would preclude his access to 81 certain work areas. he would only be able to

3. Paul has epilepsy and uses medication to control the condition. He is an Electronics Technician. His duties include use of meters that measure electric current, soldering equipment and open circuits for testing computer chips and other electronic components. Several months ago, he had two serious seizures while at work. Both times, he fell from his workbench and was hospitalized. During the second hospitalization, his physician recommended he undergo experimental brain surgery to help control the seizures and Paul agreed. Following a six-week recuperation, Paul's doctor has cleared him to return to work. Paul has been back for a week and has already had another seizure. This time, he knocked the soldering iron off his workbench

4. Gilbert, after perceiving that he had been given an unfair workload, began to scream obscenities and then went on to smash dividers between desks and throw a chair and a printer. Although he did not strike or threaten anyone directly, Gilbert was diagnosed as having "an explosive personality disorder" and stated during a later psychiatric interview that he was "fearful of homicidal ideation with his supervisor." Gilbert requested a reasonable accommodation which required the agency to display greater sensitivity and awareness of his condition and asked to be placed in an environment where he would not encounter "rejection or criticism."

5. Steve had some serious problems about coming to work on a regular basis, and he failed to comply with leave regulations. In his defense, Steve provided extensive medical documentation about his "substantive memory impairment." As an accommodation, Steve suggested that a responsible member of his family handle leave and attendance matters by communicating with agency officials.

6. Hudson was frequently depressed at work and suffered from diabetes and chronic asthma. He was charged with AWOL, creating a disturbance in the workplace, and for repeatedly directing rude and insolent remarks at his supervisor. Hudson claimed that his various medical problems and an unsympathetic and uncommunicative supervisor were the cause of his difficulties. He wanted the charges dropped and to be accommodated by being given training which would qualify him for a position in another career field.

# HANDLING MEDICAL ISSUES IN THE WORKPLACE

- > Addressing the problem
- > Obtaining medical documentation
- ➤ Determining "Reasonable Accommodation"
- > Taking disciplinary/performance action
- > Handling related situations

### ADDRESSING THE PROBLEM

- → If the employee does not raise a medical issue, focus on the conduct or performance issue, not the medical aspects.
- → It is the employee's responsibility to raise the medical issue.

NOTE: Medical information is private. Only get involved in the medical problem of employees if it impacts their conduct or

## OBTAINING MEDICAL DOCUMENTATION

### When to request documentation:

- → The employee informs you that he cannot perform the duties because of a medical condition.
- → The employee informs you that the working conditions are impacting her ability to do the work.
- → The employee raises a medical condition in response to a disciplinary/performance action.

## OBTAINING MEDICAL DOCUMENTATION

### Why request documentation?

- Need to know what the employee is suffering from and what impact it has on the job.
- Be specific for what you ask.
- ▶ Include relevant documents such as job descriptions, working conditions, etc.
- ➤ The employee must comply with your request for medical documentation.

### TAKING THE ACTION

- If unable to work out an agreement, take the normal action:
- if action was held in abeyance.
- if performance, treat as a performance problem.
- if conduct, treat as a conduct problem.

# HANDLING MEDICAL ISSUES IN THE WORKPLACE

- ➤ Related Situations and Dilemmas <</p>
- What about ordering Fitness-for-Duty Examinations
  - (1) medical standards for the position
  - (2) RIF placement when there is a doubt
  - (3) returning from workers compensation
- How do I handle "drug and alcohol" situations?
  - → Firm Choice? no longer a requirement
  - "uniformly applied standard"

# HANDLING MEDICAL ISSUES IN THE WORKPLACE

- **▶** Related Situations and Dilemmas **◄**
- n I ever deal directly with the medical problem?
- Conclusive medical evidence; and
- Demonstrate high probability of hazard to self or oth
- hat about mental problems?
- ame approach but keep in mind:
- annot discriminate solely based on mental problem;
- o not have to lower standards of performance or cond

## Questions?



## WORKERS' COMPENSATION PROGRAM



# OBJECTIVES:

- Regulatory Guidance
- Facts of Injury
- FECA Program
   Roles/Responsibilities
- Types of Claims and the appropriate Forms

- Continuation of Pay (COP)
- Controverting Claims and COP
- Presidential Initiative



- 5 USC Chapter 81, Sec 8101 8193
- 20 CFR Parts 10 & 25
- CA-810, Injury Compensation for Federal Employees
- DoD Civilian Personnel Manual, 1400.25-M Subchapter 810

### **Fact of Injury**

- An event or exposure must occur
  - An employee's statement is considered factual in the absence of contradictory evidence
- A medical condition must exist
  - Must have medical evidence



### **Performance of Duty**

- Employee injured on premises performing duties is covered
  - Eating meals/snacks on premises
  - Coffee breaks
  - On premises a reasonable time before or after the work shift
- Parking facilities
  - Includes facilities owned/controlled by employer

- Proximity Rule
  - Generally not covered if off premises
- Visits to Premises
  - Not covered, employee must be in work status
- Off-Premise Injuries
  - Covers messengers, auditors/inspectors, employees who work at home
  - Involves shortest, most direct route

- To and from work
  - Generally not covered
  - Exceptions
    - Where required to travel
    - Employer furnishes transportation
- Diversions from Duty
  - Employee helps injured person/put out fire
  - Personal Act
    - Engaged in personal act for health or comfort

◆ RECREATION -- Complex issue. Multiple factors to consider

#### **GENERALLY COVERED WHEN:**

- In a formal program
- Participation is required/prescribed
- On premises during duty hours
- Employer benefit derived
- Equipment/facilities provided by employer

- Horseplay
  - Normally covered
- Assault Cases
  - Covered if arises from reasons related to employment
  - Not covered if arises from personal matters

- Co-Worker Harassment or Teasing
  - Key element is whether it arose out of friction of employment or private life
- Representational functions
  - Representational functions on official time are covered
- ◆ TDY
  - 24 hours a day if related to employment
  - Reasonably incidental to travel

## Performance of Duty, Stress Claims

- Covered situations
  - Erroneous or abusive personnel actions
  - Confrontation with supervisor, verbal altercations
  - Harassment/teasing by supervisor, coworkers
  - Stress due to overtime, deadlines, quotas, travel, intensity of work

### Performance of Duty, Stress Claims

- Situations not covered
  - Performance Appraisal
  - Concern over job insecurity/RIF
  - Disciplinary actions
  - Failure to get promotion or desired transfer
  - Denial of leave
  - Mere perceptions of harassment or discrimination
  - Frustration over compensation claim
  - Being investigated for theft or fraud

## Performance of Duty, Stress Claims

- Management Responsibilities
  - Prepare accurate, concise response
    - -Include witness statements, job description, special duties
    - -Paint picture for claims examiner
    - Non-job related stressors

### Performance of Duty, continued Stress Claims

- Determining Factors
  - Whether alleged disability resulted from an incident connected to employment
  - Erroneous personnel actions and abusive action by management can cause incidents to become related to employment
- Relationship to EEOC/MSPB decisions
  - Issue is whether or not an injury under the FECA has occurred
  - OWCP may look at an EEOC claim for evidence, but must make an independent decision (continued)

- Statutory exclusions
  - Willful Misconduct
    - Violating a safety rule, disobeying an order (Intentional)
      - Simple disregard is not enough
  - Intoxication
    - Must show extent and how it caused injury
  - Intent to injure oneself or another
    - Suicide
      - If injury caused mental/physical condition that led to suicide, then compensable

### Performance of Duty, conclusion



#### REMEMBER!

- Don't refuse to process the claim
- If you don't believe the injury was in the performance of duty, CONTROVERT
- OWCP issues the decisions

#### FECA PROGRAM PRIMARY PARTICIPANTS

- Injured Worker
- Supervisor
- ICPA
- OWCP

# EMPLOYEE'S ROLE (INJURED WORKER)



- Report All Injuries Promptly to the Supervisor
- Obtain Medical Treatment & Provide Medical Evidence to Support Claim
- Inform Physician that their Agency can provide light duty
- Keep Supervisor Informed
- Return to Work Within Medical Restrictions



## SUPERVISOR'S ROLE

- Enforce Safety Regulations
- Provide Basic FECA Information to Employees (i.e. Rights and Benefits)
- Send Injured Worker for Medical Treatment
- Complete Claim Forms in a Timely Manner and Verify Accuracy of Same, providing All Required Information
- Report All Injuries Promptly to the ICPA

# SUPERVISOR'S ROLE

- Pay Continuation of Pay (COP) in Traumatic Injury Claims As Appropriate and Promptly Authorize Medical Care Within Regulatory Guidelines
   \*Occupational Injuries are not eligible for COP
- Must Continue Payment of COP Unless It Meets
  One of the Exceptions that is part of the
  instructions in the Form CA-1
- Then and Only Then Is Payment Terminated



## SUPERVISOR'S ROLE

- Identify and Challenge (Controvert) Questionable Claims
- Keep in Contact With Employees During the Recovery Period
- Assist Employees in Returning to Work by Providing Work Within the Employee's Work Restrictions
- Represent Agency Interest in Monitoring Claims



# ICPA'S RESPONSIBILITIES

## Focal Point of the FECA Program

- Ensure Supervisors and Employees Are Aware of Basic FECA Procedures
- Assist Injured Workers and Supervisors With Filing Claims and Communicating With OWCP
- Carefully Review All Forms for Completeness and Consistency

# ICPA'S RESPONSIBILITIES

- Verify All Information and Reports Received From OWCP
- Refer Suspected Fraud Cases for Investigation
- Coordinate With Installation Legal Office on Potential Third Party Claims
- Ensure All Claims Are Processed Through the ICPA

# ICPA'S RESPONSIBILITIES

- Obtain Input on Specific Claims As Necessary
- Coordinate With Supervisor to Determine If Controversion Is Appropriate
- Ensure the Appropriate Forms and Required Evidence Are Promptly Submitted to OWCP
- Monitor COP to Ensure Correct Payment



# OFFICE OF WORKERS' COMPENSATION PROGRAMS (OWCP)

- Coordinate Efforts to Return Injured Workers to Full or Restricted Duty
- Monitor OWCP Actions and Coordinate a Prompt and Complete Response to All OWCP Requests
- Adjudicate Claims Fairly and Timely

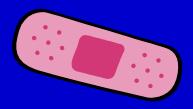


# OFFICE OF WORKERS' COMPENSATION PROGRAMS (OWCP)

- Upon Acceptance, Manage the Claim and Pay All Benefits As Allowed by Law.
- Final Decision on All FECA Issues



#### TRAUMATIC INJURY (CLAIM)



- Wound or Condition
- Caused by External Force
- Identifiable by Time and Place of Occurrence
- Affecting a Body Part or Function
- Occurred on One Day/Work Shift
- Form CA-1 is used when filing

### OCCUPATIONAL ILLNESS/DISEASE

(CLAIM)



A Condition Produced by the Work Environment Over a Period Longer Than a Single Workday or Shift

Form CA-2 is used when filing.

### CONTINUATION OF PAY (COP)

- The FECA provides COP for absences due to disability or obtaining medical treatment, for not more than 45 calendar days following the injury or could be used over an extended time of forty-five (45) days.
- COP is not considered compensation.
- To be entitled to COP all absence must be supported by medical documentation.

### CONTROVERTING CLAIMS AND COP

- Must be in writing
- Objective and unemotional
- Factual
- Cite applicable laws, ECAB decisions, regulations, or sections of the FECA Procedures Manual
- Include photographs, maps, witness statements, police or investigative reports and other hard evidence.

## PRESIDENTIAL INITIATIVE

- Reduce overall occurrence of injuries by 3%, while improving the timeliness of reporting injuries by 5% per year.
- Work sites with the highest rates of serious injuries reducing the occurrence of such injuries by 10% per year, and
- Reducing the rate of lost production days by 2% per year.

## FEDERAL EMPLOYEE COMPENSATION ACT (FECA)

Fort Eustis CPAC Website

http://www.eustis.army.mil/cpac/ FECA.htm

# DEPARTMENT OF DEFENSE FECA Electronic Data Interchange (EDI)

#### WHAT IS EDI?

- EDI stands for Electronic Data Interchange. With EDI, CA-1 and CA-2 forms are submitted to the Department of Labor instantaneously, eliminating paper processing and mail delays.
- The purpose of the EDI project is to expedite processing of FECA claims for injured workers.
- Faster claims processing leads to expedited medical authorizations, treatment, bill payment.
- Better service leads to faster recovery.

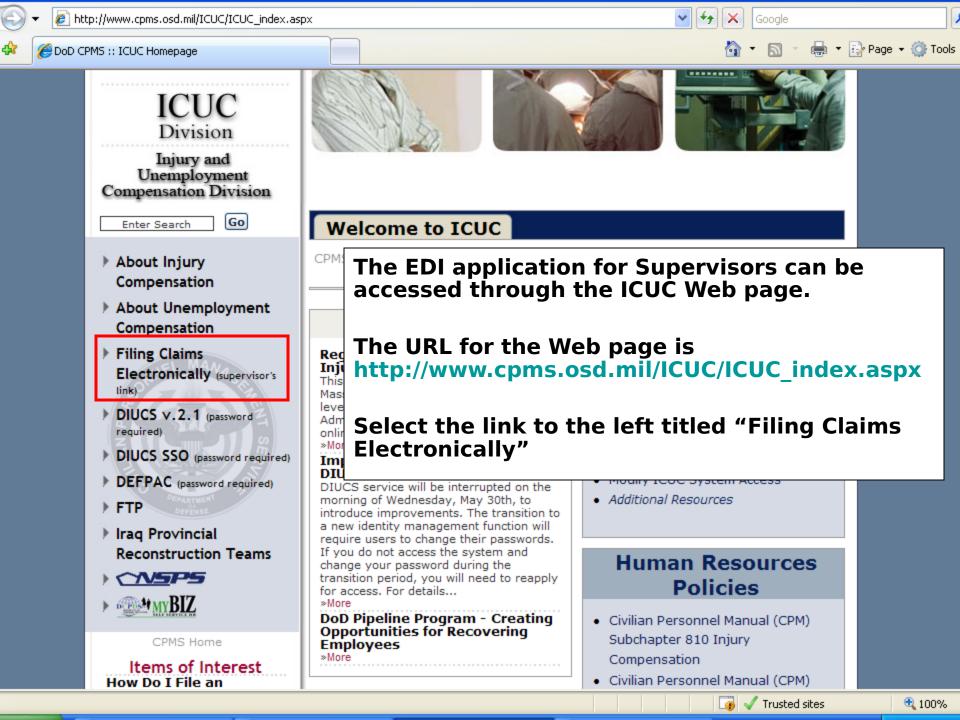
#### **EDI INFORMATION FLOW**

#### HOW DOES IT WORK?

- Employee reports the injury to his/her supervisor
- Process is started by accessing the EDI website
- Supervisor and employee complete the electronic form, which is transmitted to the ICPA. Supervisors do not need any special access to file the claim electronically, only a computer with internet access
- ICPA "authenticates" the form (i.e., verifies employment status, enters appropriate codes, corrects any errors); form is the transmitted to DOL.
- DOL assigns case number within 48 hours.

#### **EDI FORMS**

The EDI forms are patterned directly on the hard copy forms CA-1 and CA-2. Therefore, the basic instructions for completing the forms are the same as with paper



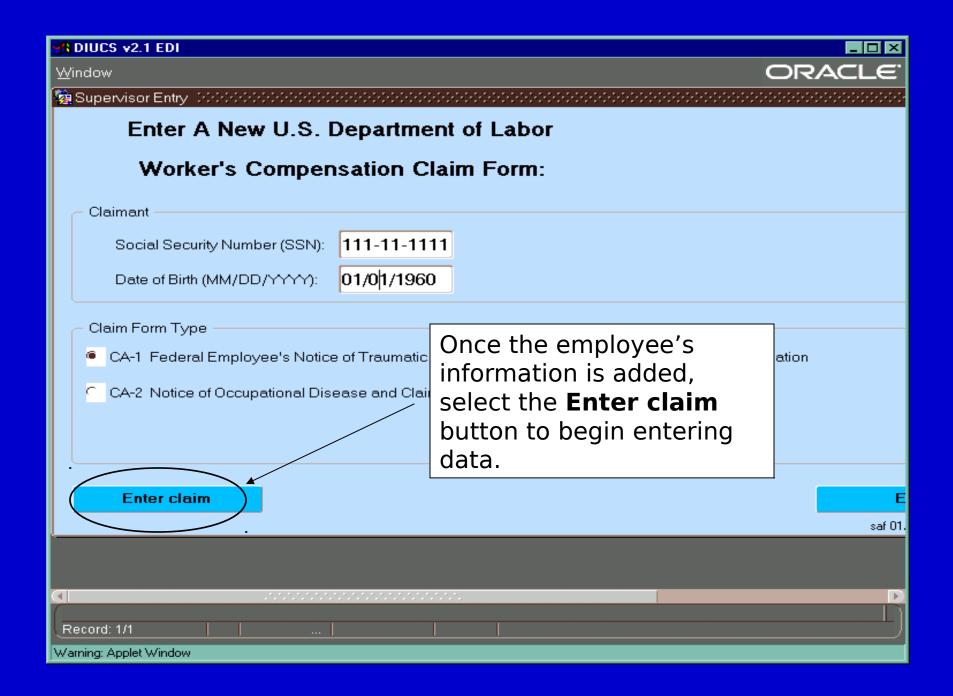
This DoD computer system including all relate network devices (specifically including internet ac U.S. Government use. DoD computer systems ma including to ensure authorized use, for system ma OK in order to continue.

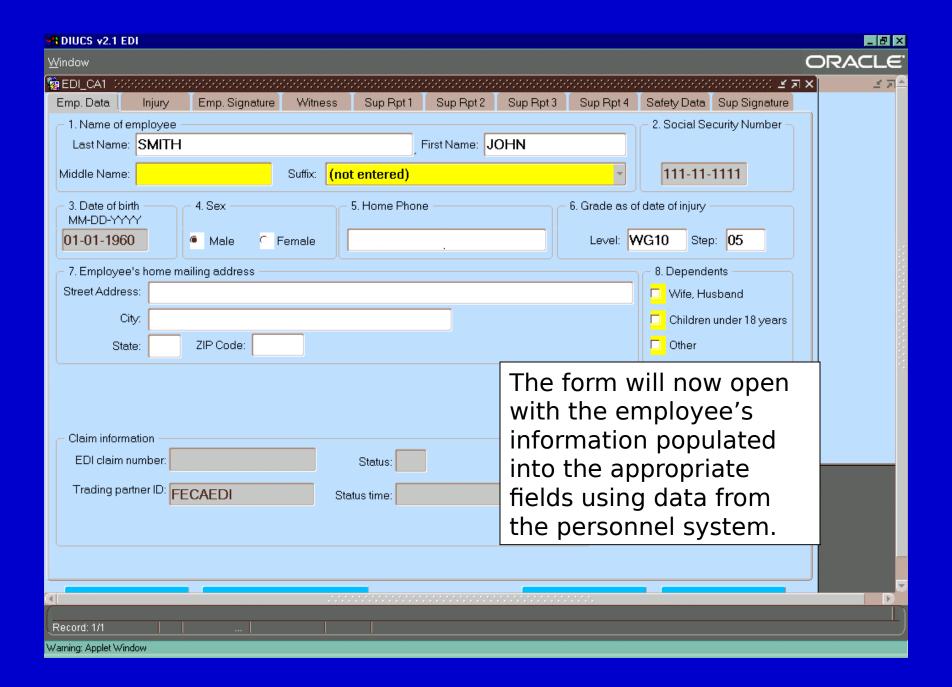
After selecting the link on the ICUC Web page, this screen will open. The user will need to read and select

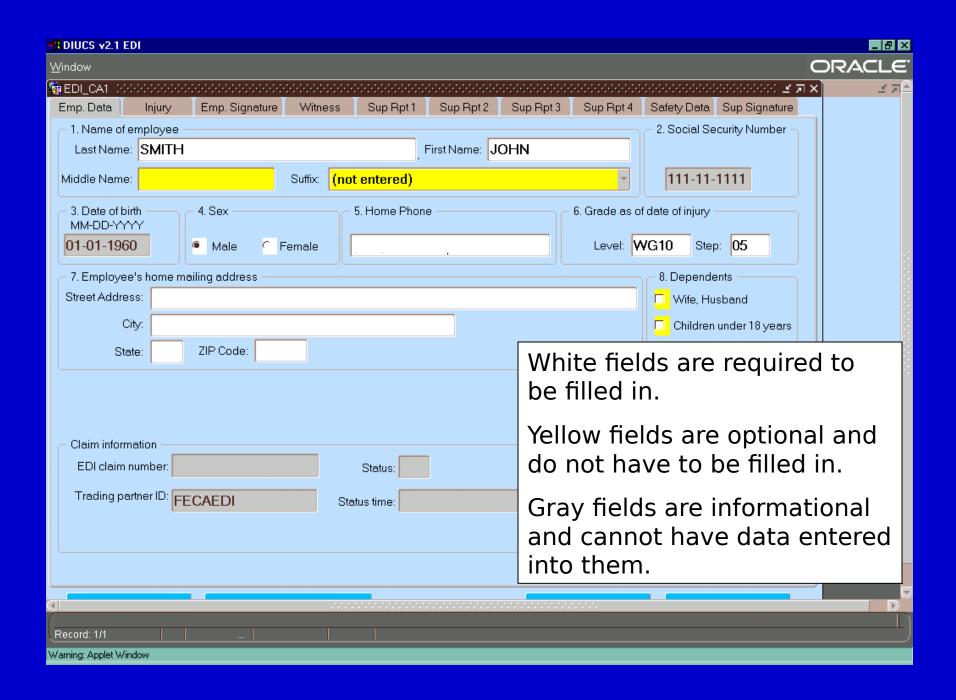
against unauthorized access, and to verify security procedures, survivability and operational security. Monitoring includes active attacks by authorized DoD entities to test or verify the security of this system. During monitoring, information may examined, recorded, copied and used for authorized purposes. All information, including personal information, placed on or sent over this system may be monitored. Use of this DoD computer system, authorized or unauthorized, constitutes consent to monitoring. Unauthorized use may subject you to criminal prosecution. Evidence of unauthorized use collected during monitoring may be used administrative, criminal or other adverse action.

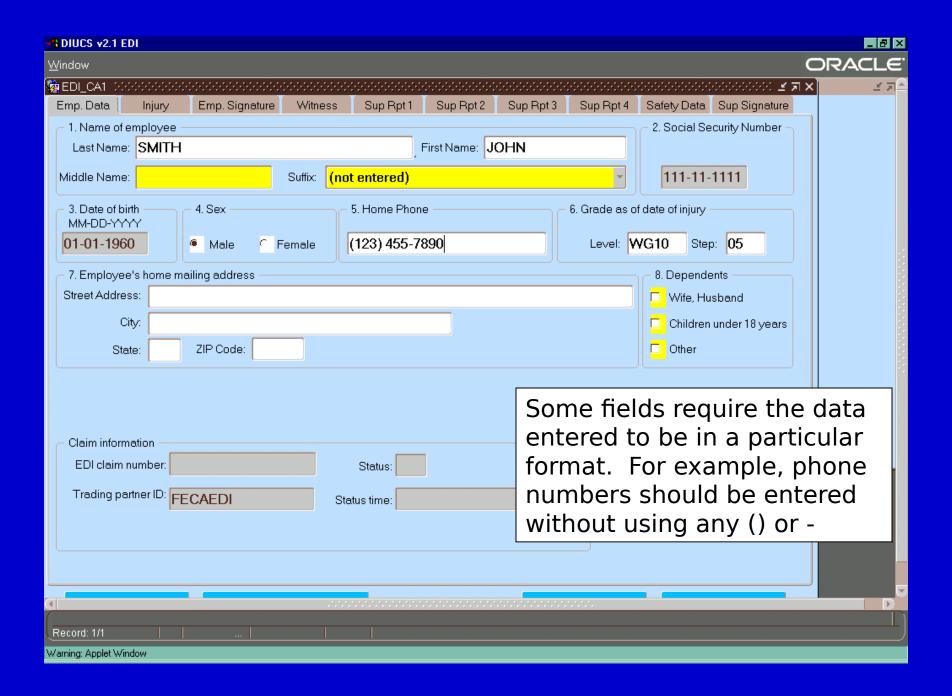
Cancel

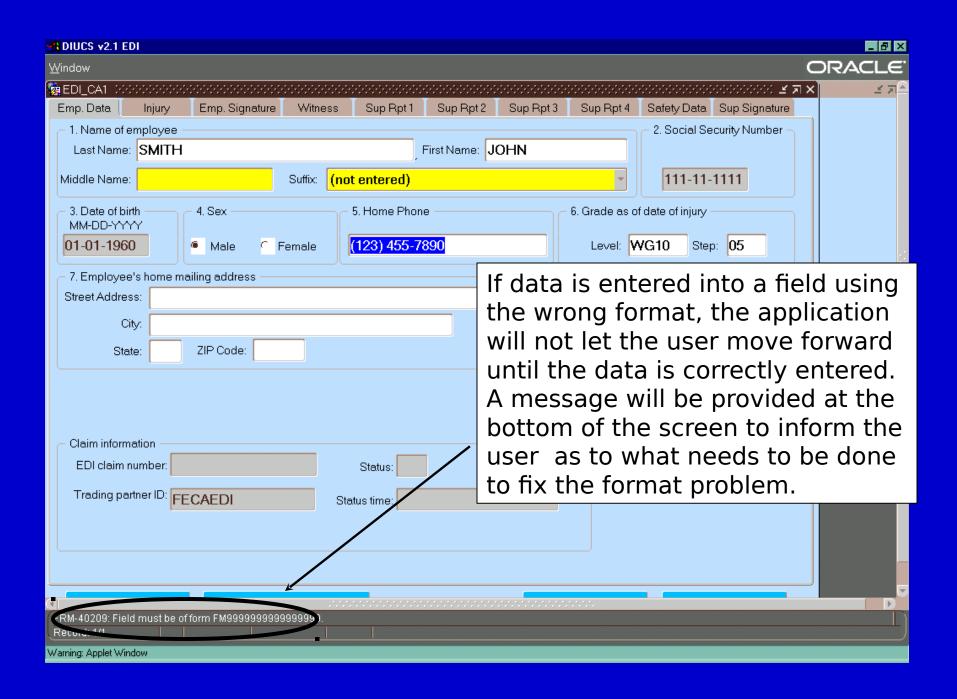
EDI/SaFER V1.35 07/26/06

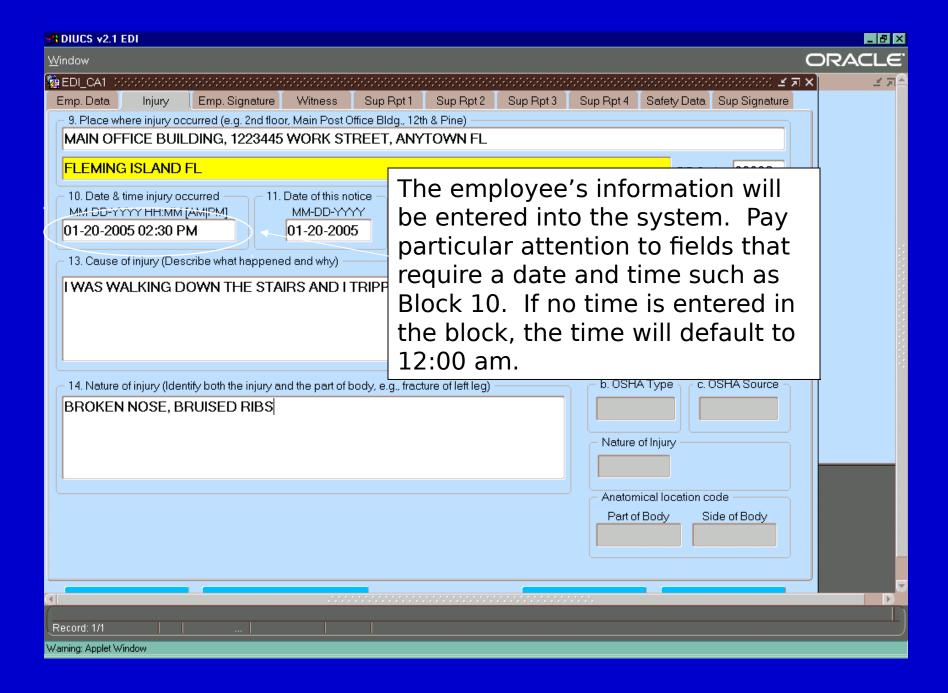


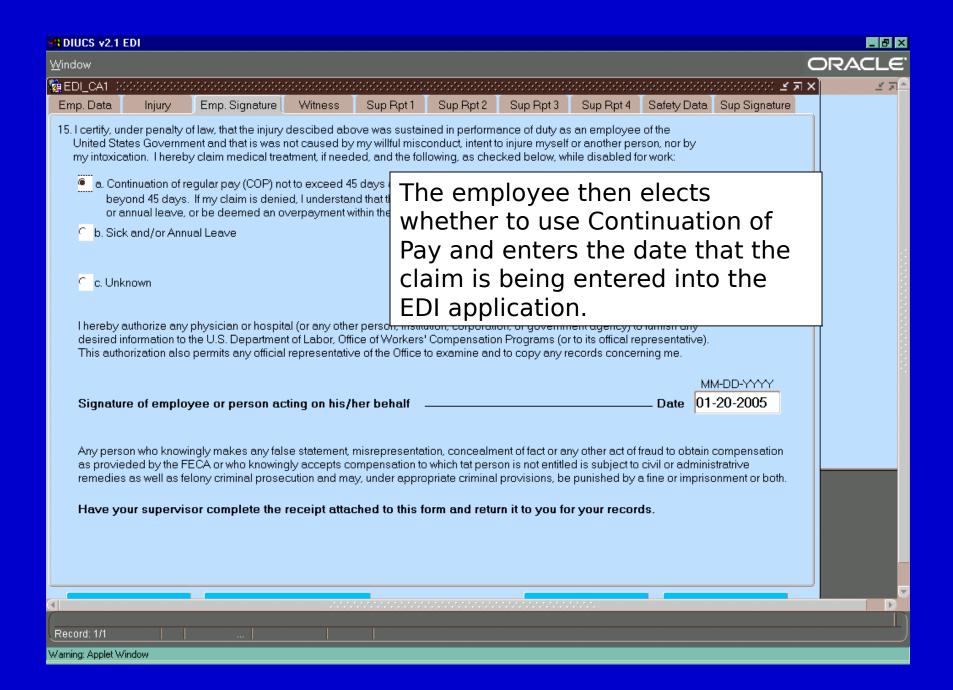


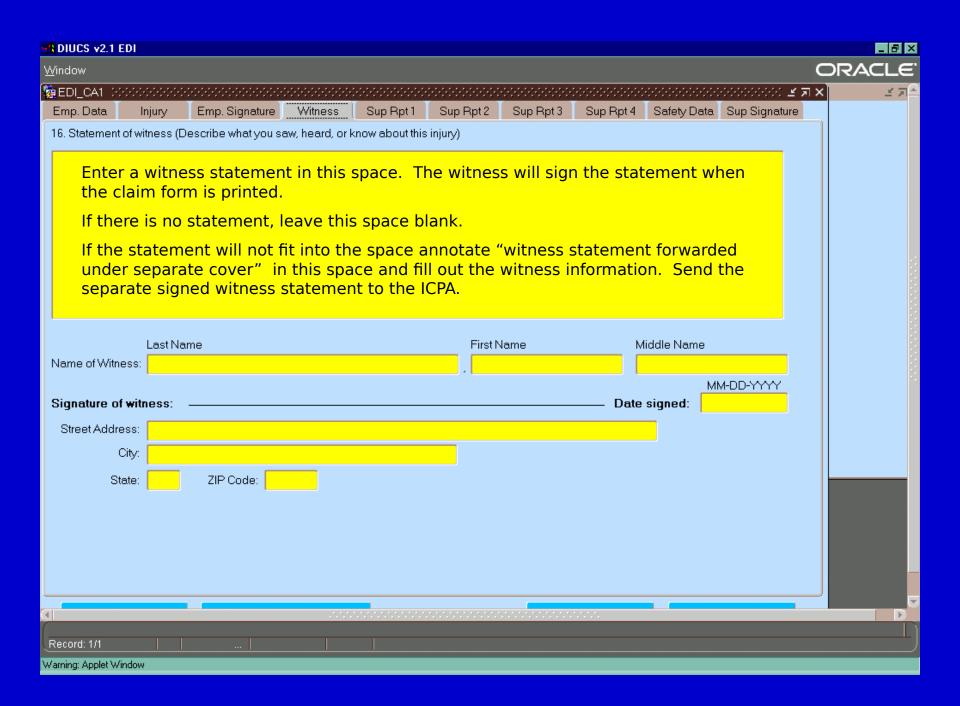


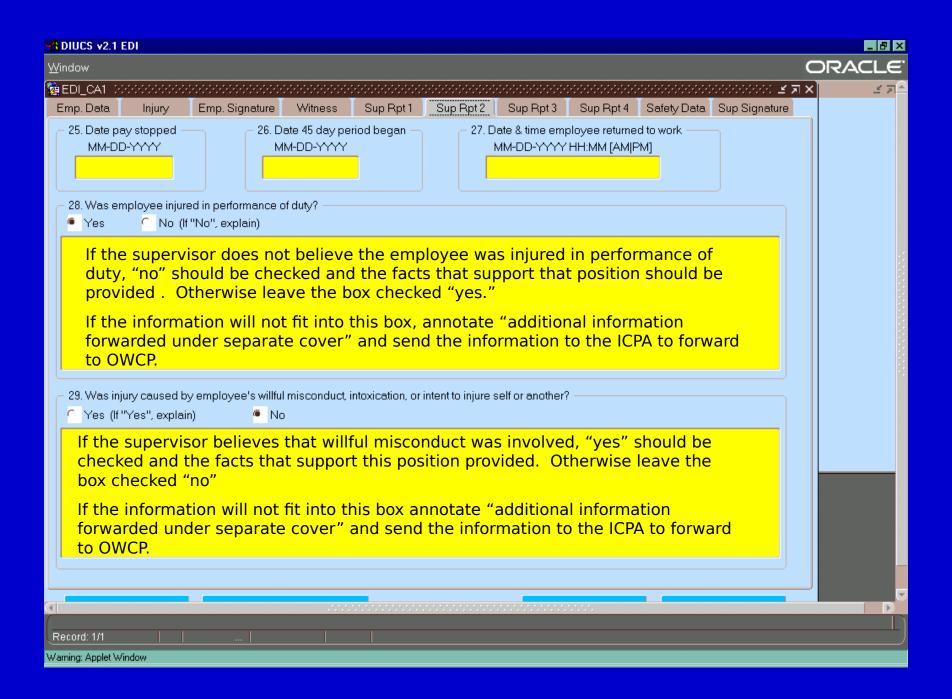


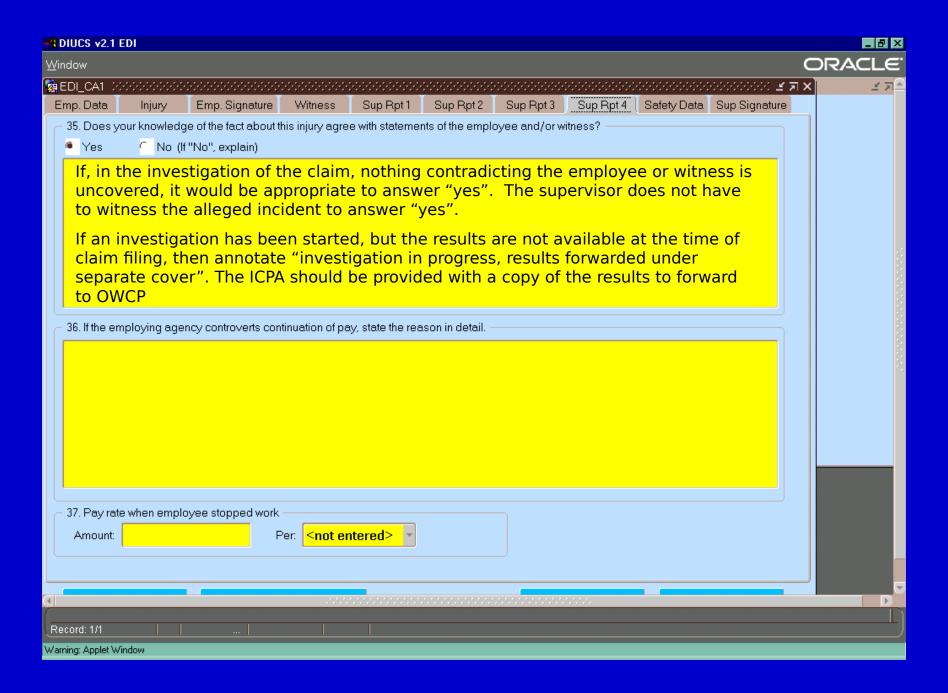


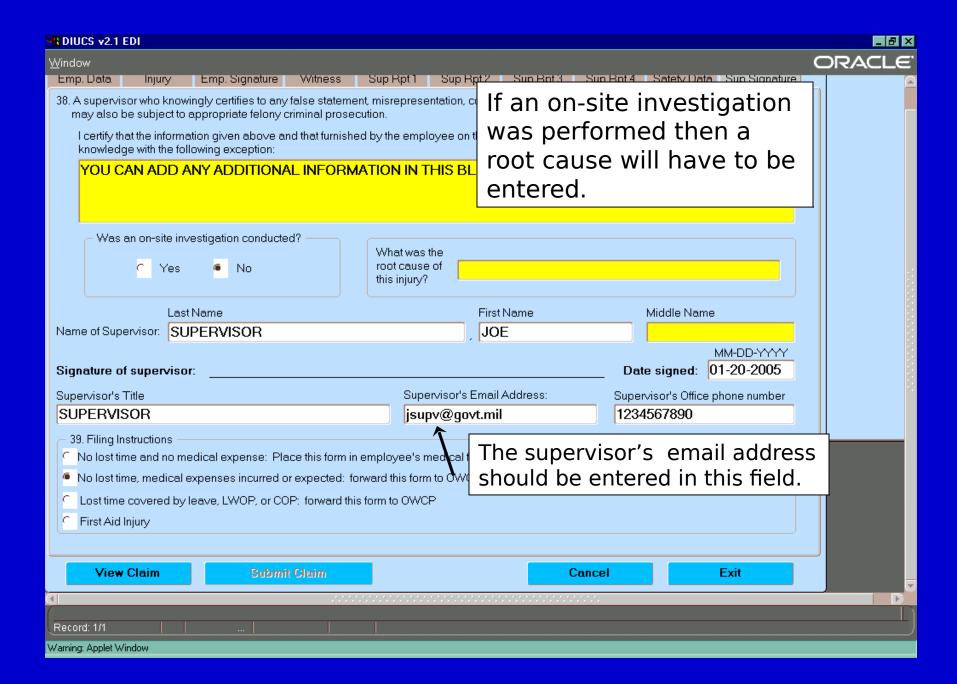


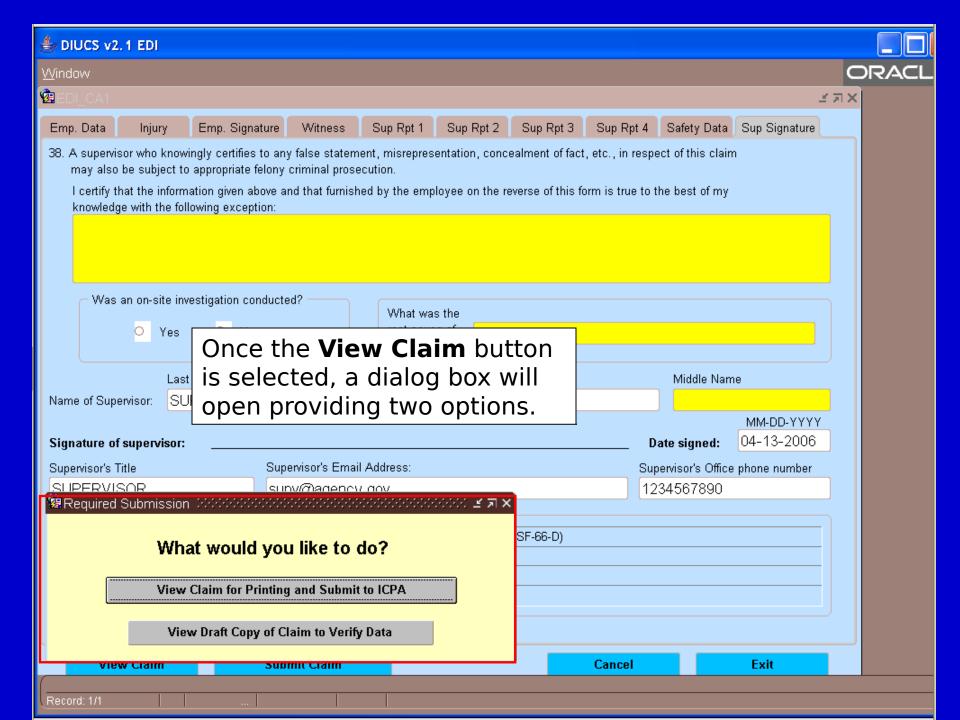


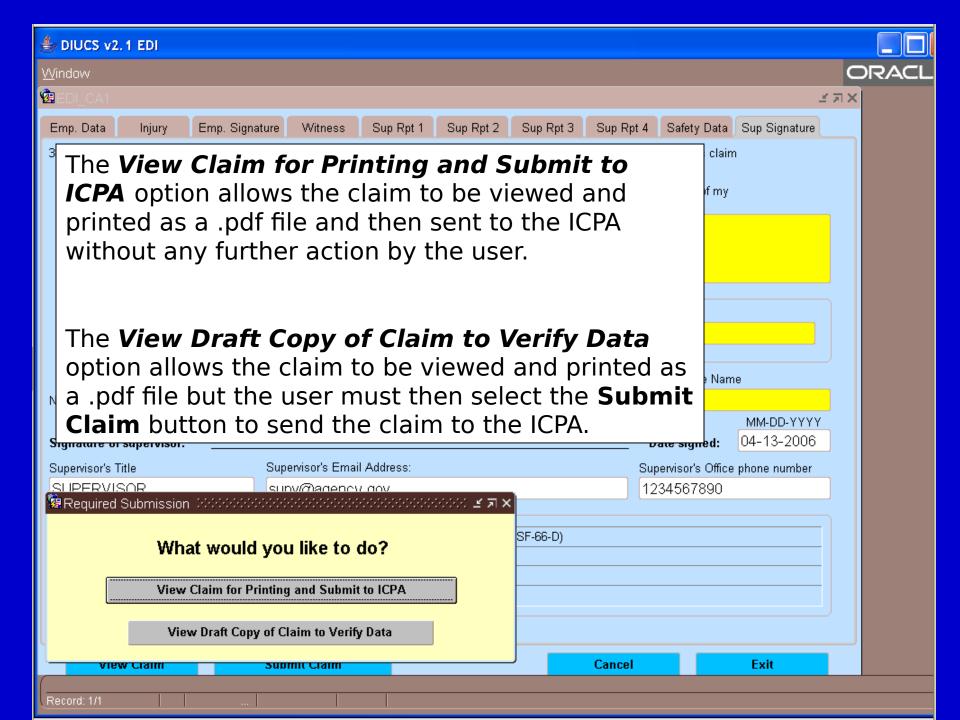


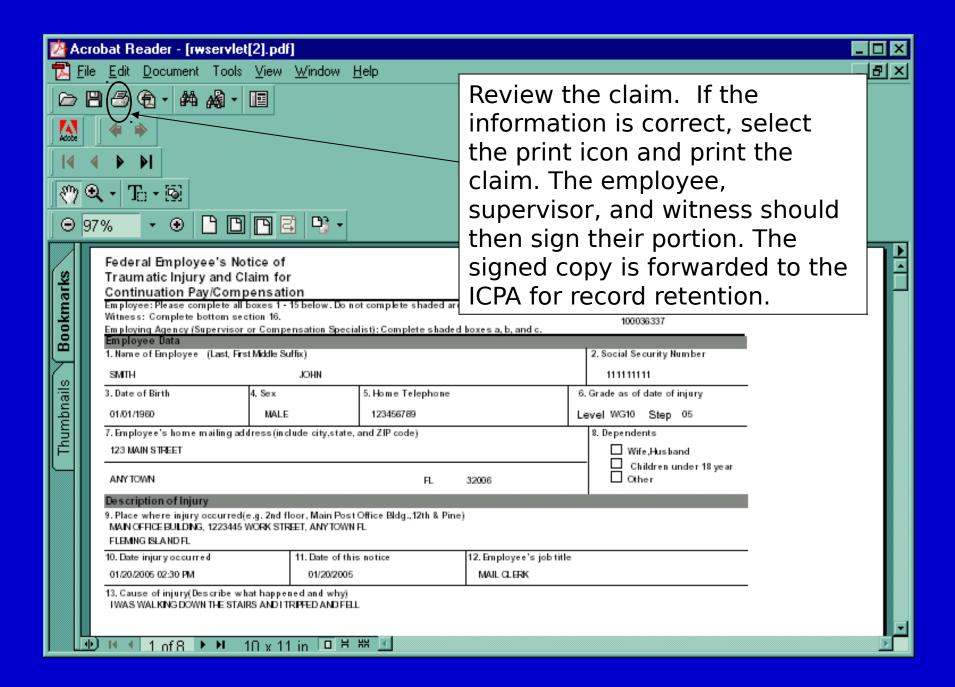












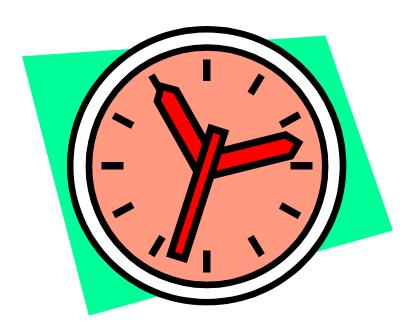
## SUMMARY OF SUPERVISOR ACTIONS

- Supervisor accesses the EDI application through the "Filing Claims Electronically" link on the ICUC Web page.
- Supervisor enters the SSN and Date of Birth of the employee and selects whether a CA-1 or CA-2 will be filed
- Employee information is entered onto the form
- Witness information is entered (if applicable)
- Supervisor enters required information in Supv portion of the form
- The form is printed. The employee, witness and supervisor sign their respective sections.
- "Submit Claim" button is selected and claim is sent electronically to the ICPA.
- Signed claim form is sent to the ICPA to be retained in the file

# QUESTIONS?



### TIME AND ATTENDANCE





## ORGANIZATION RESPONSIBILITIES

- Ensure timekeepers and time and attendance certifiers have been properly trained.
- All supporting documentation is available for audit purposes.
- Ensure timekeepers and time and attendance certifiers make every effort to correct errors <u>prior</u> to electronic certification.

## SUPERVISOR'S RESPONSIBILITIES

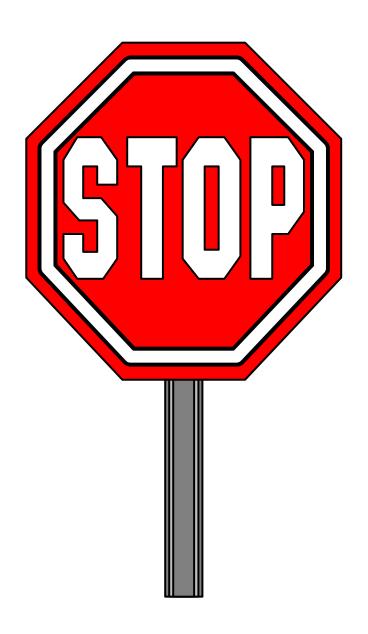
- Timely and accurate preparation, certification, and submission of time and attendance (T&A).
- May assign checking of daily attendance and posting of T&A to a timekeeper (and alternate).
- Assignment of these duties does not relieve the supervisor of the responsibility for the accuracy of the time and attendance to which he or she certifies.
- Spot checks attendance by personal observation.
- Should inform the timekeeper when an employee is on leave and type of leave and/or if they have worked any credit hours, comp time, etc.



### TIMEKEEPER RESPONSIBILITIES

- Record all exceptions to the employee's attendance and leave on a daily basis
- Ensure employees either initial the T&A input document or sign an OPM 71 "Application for Leave"
- Ensure all postings for overtime, credit hours or compensatory time earned have been approved.

- Record time and attendance in blue or black indelible ink.
- If employee is unavailable when timecards are turned in, they should turn in a OPM 71 upon returning to work.



#### **DON'T**

- Use pencil
- Use erasable ink
- Red ink
- Whiteout
- Erase mistakes
- Use felt tip pens
- Scribble out mistakes

#### **CORRECTIONS**

Correct errors on timecards BY DRAWING A **SINGLE LINE** through the incorrect entry and posting the correct data.

 ALL corrections will be initialed by the SUPERVISOR or other DESIGNATED representative authorized to act as an ALTERNATE CERTIFIER at the end of the pay period.

## BEFORE YOU SIGN



- Employee's *INITIALS* OR OPM 71 ATTACHED - Corrections ARE INITIALED
- Correct amount of hours charged.
- Correct Leave category charged.
- If credit hours are earned insure copy of approval is attached to time card
- If comp time/overtime is worked
   approval document is attached
   to timecard.

# CONFIRMATION OF LEAVE

- Employees must officially confirm each leave charge, except for administrative leave, AWOL charges, suspension or holiday absences.
- All leave types are charged to the employee either by whole days, whole hours or fractional hours.

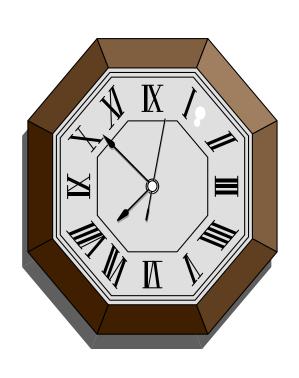
NOTE: Must be charged in whole hours for NAIL Bargaining Unit Employees.



## TIME AND ATTENDANCE CERTIFICATION

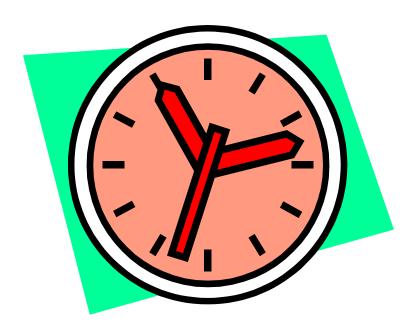
- Each employee's time and attendance report shall be certified by the employee's supervisor, or other designated representative authorized to act as an alternate certifier at the end of the pay period.
- Certification shall not ordinarily be made earlier than the last workday of a pay period.
- However, if required by DFAS, anticipated leave shall be requested on an OPM 71 prior to end of pay period and taking leave.

## COMPRESSED WORK SCHEDULES

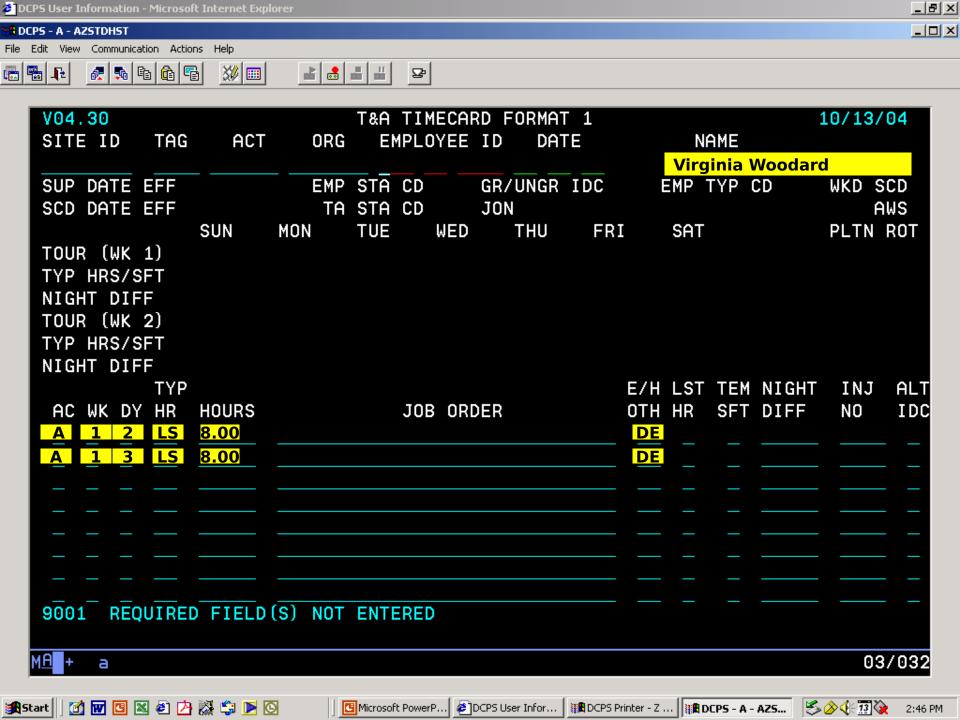


- Change Tours in Advance
- Must have 80 hours to receive full pay and benefits

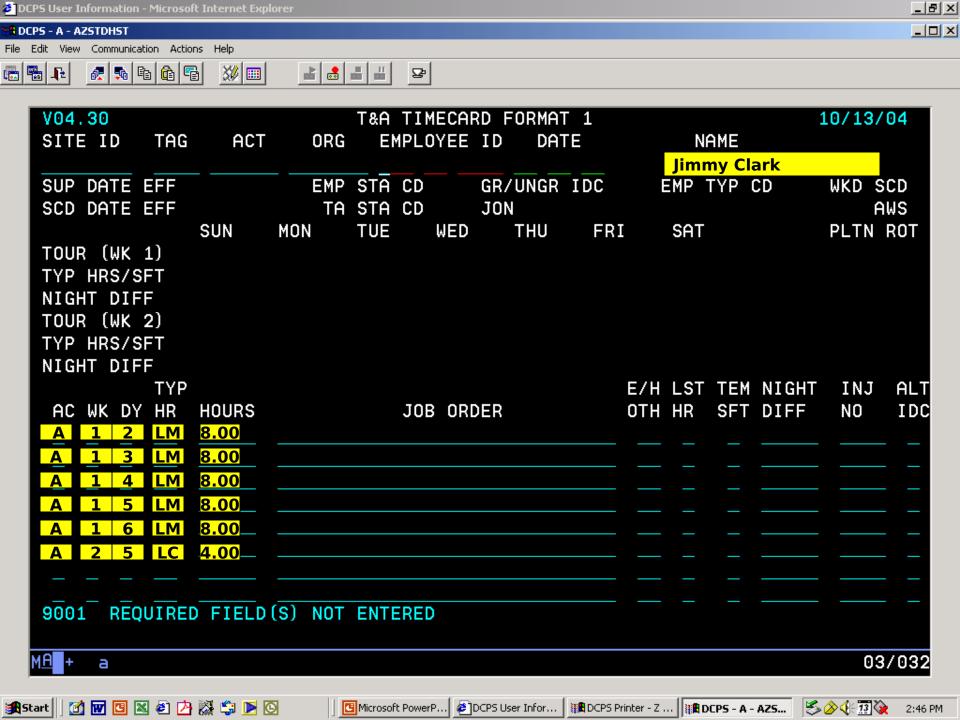
## **EXERCISE**



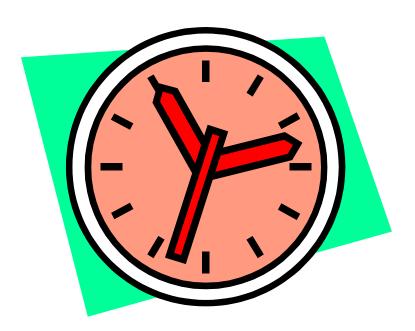
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## **QUESTIONS?**



## Human Resource Development

### for Supervisors



#### COURSE OBJECTIVES

- Provide overview of civilian training rules and requirements.
- Prepare managers to properly approve civilian training requests.
- Provide required certification to allow managers to approve civilian training

#### PURPOSE OF TRAINING

- To improve individual performance
- To improve organizational performance
- To assist in achieving the organization's mission and performance goals

#### RULES AND REGULATIONS

- Title 5, USC, Chapter 41
- CFR 5, Part 410, Training
- OPM Training Policy Handbook
- Government Employee Training Act
- AR 690-400, Chapter 410, Training
- PERMISS
- Organization's Policy

#### DELEGATED AUTHORITY

- Commanders may delegate authority to approve training for civilian employees
- Delegation must be in writing
- Recommend delegation to 2nd line supervisors

#### DELEGATED AUTHORITY

- Cannot be transferred or re-delegated
- Valid only while you encumber a position to which authority is delegated
- You are accountable to your Commander, Director, or Superintendent

#### MERIT SYSTEM PRINCIPLES

#### Adapted from 2301(b) of Title 5 USC

- Treat employees and applicants fairly and equitably
- Educate and train employees if it will result in better organizational or individual performance

## PROHIBITED PERSONNEL PRACTICES

- Adapted from 2302(b) of Title 5 USC
  - Illegally discriminate for or against any employee/applicant
  - Give unauthorized preference or improper advantage
  - Violate any law, rule, or regulation which implements or directly concerns the merit principles

## PLANNING - INDIVIDUAL DEVELOPMENT PLANS

- IDPs Highly recommended for all employees (expected to become mandatory)
- Part of performance counseling
- The CHRTAS IDP is available for all employees (https://www.atrrs.army.mil/c hannels/chrtas/default.asp)



#### REQUIRED TRAINING

- Computer Security
- Ethics
- Prevention of Sexual Harassment
- Information Awareness
- SAEDA
- Substance Abuse Prevention and Awareness

- NO FEAR
- Constitution Day / Citizenship Day
- CES (Basic, Interm, Adv)
- Installation & Environ Occupational Safety
- Suicide Prevention
- HR For Supervisors

#### APPROVAL CONSIDERATIONS

Managers with delegated authority may approve training that is mission related:

- Supports Strategic Plan
- Improves current job performance
- Enables performance of needed duties at same level of responsibility
- Meets organizational needs/HR plans for downsizing, re-engineering, etc.

#### NON - GOVERNMENT TRAINING APPROVAL

- Prior Approval Required
- Disapprove late requests
- Employees responsible for training costs if they fail to get prior approval
- Exception:
   If due to administrative error

#### TRAINING APPROVAL

Self review is a conflict of interest



#### AUTHORIZING FUNDS FOR TRAINING

- Expenses necessary for the training:
  - -Tuition and related fees
  - -Books and materials
  - -Travel and per diem
- Equipment may not be purchased via training form

#### EMPLOYEE RESPONSIBILITIES

- Employees are required to successfully complete approved training
- Failure to do so may result in employee having to reimburse the government



## ADVANCED PAYMENT FOR TRAINING

 If required, Government charge card is preferred method of advance payment

 DFAS can also process payment in advance

- Protect Government interests:
  - 1) Cancel within deadline for refund
  - 2) Follow up to get refund

#### PURCHASING GROUP TRAINING



#### Training must be:

- Off-the-shelf (not designed for your agency)
- Available to the public
- Priced for entire group limited to \$25,000 or less
- An established price

## PURCHASING GUIDELINES (for groups)

 Use SF 182 or Learning Management System as source document for Government Purchase Card

 If cost exceeds \$2,500, show cost comparison look at 3 or more sources



# TRAINING REGISTRATION & APPROVAL (CHRTAS)

- Civilian Human Resources Training Application System (CHRTAS)
- Registration System for many courses sponsored by CPACs and Regional HRD Division
- Records training completions to ATRRS and DCPDS
- Registration, Supervisor approval, and space confirmation done online and through email

## STANDARD FORM (SF) 182 ARMY'S TRAINING AUTHORIZATION FORM

- Usage began calendar year 2008
- Includes all DoD components
- Supervisors can use either paper or electronic version or an online training registration system (i.e. CHRTAS)



- Ensures proper data is reported to OPM and OMB
- Employees Agreement to continue in Service
- Army Regulation–AR 690-400 Chapter 410, Subchapter 6-4

### SF 182

- I **AGREE** that upon completion of the Government sponsored training described in this authorization, if I receive salary covering the training period, I will serve in the agency three (3) times the length of the training period. If I receive no salary during the training period, I agree to serve the agency for a period equal to the length training, but in no case less than one month. (The length of part-time training is the number of hours spent in class or with the instructor. The length of full-time training is eight hours for each day of training, up to a maximum of 40 hours a week).
- If I voluntarily leave the agency before completing the period of service agreed to in item 1 above, I AGREE to reimburse the agency for fees, such as the tuition and related fees, travel, and other special expenses (EXCLUDING SALARY) paid in connection with my training. These fees are reflected in Section C Costs and Billing Information. NOTE: Additional information about fees and expenses can be found in the guide to Human Resource Reporting (GHRR).

http://www.opm.gov/feddata/ghrr/index.asp

• I FURTHER AGREE that, if I voluntarily leave the agency to enter the service of another Federal agency or other organization in any branch of the Government before completing the period of service agreed, I will give my organization written notice of at least ten working days during which time a determination concerning reimbursement will be made. If I fail to give this advance notice, I AGREE to pay the full amount of additional expenses 5 U.S.C. 4108 (a) (2) incurred by the Government in this training.

#### CONTINUED SERVICE AGREEMENTS

- Required for Government Training in excess of 80 hrs in a single program
- Obligation is at least three times the length of the training
- If no salary received during training, obligation is for a period equal to the length of training
- Employee must notify agency in writing 10 days or more in advance of leaving

#### REPORTING TRAINING

- Learning Management Systems

   (i.e. CHRTAS, TEDS, CEFMS, etc.)
- Organizational Training Coordinators using SF 182
- G1 CHRA Regional HRD Divisions or CPACs using SF 182
- Individual updates or Mass spreadsheet updates available
- Contact CPAC or Regional HRD Office for Assistance



### MANDATORY USE OF e-LEARNING

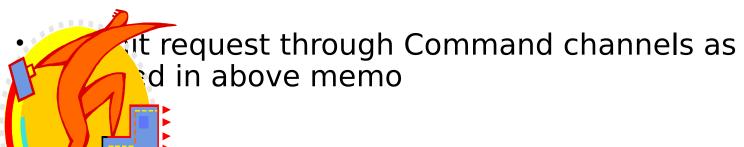
- DA Memo 8 Jan 07 Mandates use of Army e-Learning for Information Technology training (expires Jan 09)\*
- DA centrally funds this computer/Webbased courseware accessible via AKO
- Exceptions requested by GO/SES
- Exceptions must be approved by the DA Chief Information Officer in G-6.
  - \* still in effect

#### **NSPS TRAINING**

- Mandatory Training for Army personnel converting to NSPS:
  - Supervisors: 2-day course
  - Employees (non-bargaining unit only): 1-day course
  - All: NSPS 101 online DoD course
- DoD Web course Pay Pools, Performance, and You, and iSuccess (http://www.cpms.osd.mil/nsps/)
  - for all employees
- Army e-Learning offers some web-based courses that support NSPS competencies

#### ACADEMIC DEGREE TRAINING

- Clarification Memo dated 20 July 2006
- Exceptions include:
   Army Comptrollership Program or Senior Service Colleges, DSLDP, DAWIA
- Must be related to official duties
- Objective: obtain an academic degree



#### ACADEMIC DEGREE TRAINING

- Must contribute significantly
- Must be part of an agency planned program
- Must be from an accredited institution
- Must be consistent with merit principles
- Facilitates use of online degree training where practicable

# LONG-TERM TRAINING (LTT)

- Definition: full time training in excess of 120 calendar days
- Requires competitive selection
- Must be approved by installation/activity Commander

### UNAUTHORIZED TRAINING

- Reward
- Violate merit principles
- Degree attainment unless program supported
- Approved after start date

#### TYPES OF TRAINING

- On-the-Job Training (OJT)
- Professional Development
- Classroom Training
- Rotational Assignments
- Special Projects
- Video Tele-Training



#### PROFESSIONAL CREDENTIALS

- Must be beneficial to enhanced job performance
- Must support management objectives



- Must:
  - Comply with DOD Guidance
  - Meet Collective Bargaining Obligations
  - Be consistent with Merit System Principles



# TRAINING BY FOREIGN GOVERNMENT/ORGANIZATION

- Requires DA Approval
- Submit request for approval 60-90 days prior to travel or training



#### ATTENDING CONFERENCES



Managers may use their training approval authority to send employees to conferences - must meet specific requirements

## ACCEPTING OUTSIDE CONTRIBUTIONS

- Must be approved by Commander
- Check with Ethics Officer
- Non-profit organization
- No conflict of interest
- Not a reward for services
- Employees may not make a profit

# OVERTIME PAY FOR TRAINING (When covered by TITLE 5 only)

- Training provided to employee already entitled to premium pay
- Training can only be provided at night
- Paying PP will save government money
- Regularly scheduled standby duty or administratively uncontrollable overtime
- OPM exception

## OVERTIME PAY FOR TRAINING (When also covered by FLSA)

- Directed to participate to improve performance in <u>current</u> job
- Performance or retention will be adversely affected if they don't receive this training
- Overtime is not appropriate for employees in developmental programs

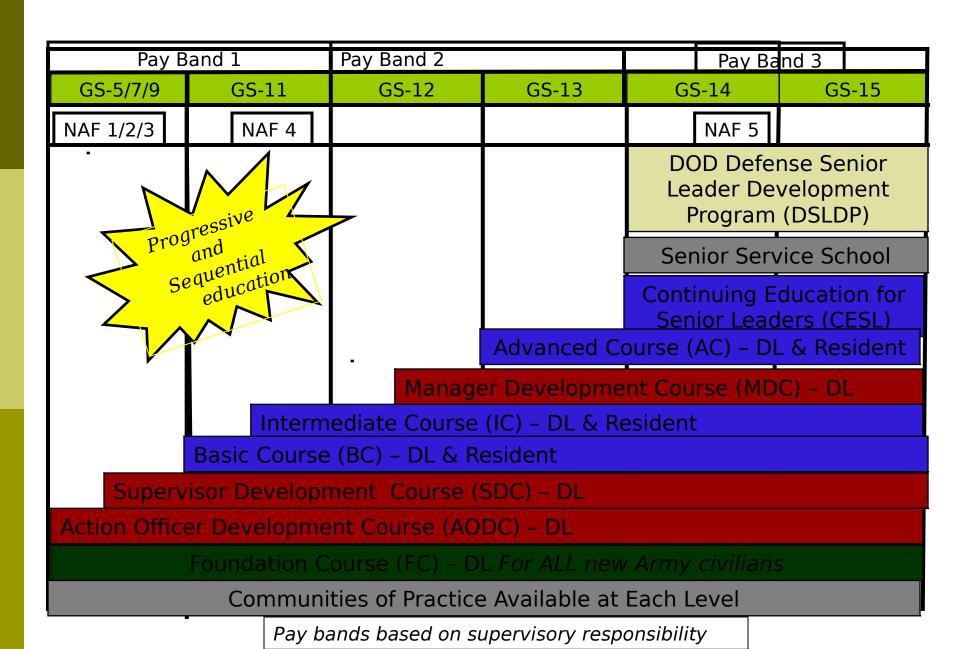
## DEFENSE SENIOR LEADER DEVELOPMENT PROGRAM (DSLDP)

#### DSLDP

- Replaces DLAMP
- Centrally funded
- 2-year program for GS-14/15 or equivalent
- See ACTEDS announcement for more info

http://cpol.army.mil/library/train/catalog/ch04ds ldp.html

### Civilian Leader Development Overview



### Civilian Education System

- Foundation Course (FC) DL
- Action Officer Development Course (AODC) DL
- Supervisory Development Course (SDC) DL
- Basic Course (BC) DL and Resident
- Intermediate Course (IC) DL and Resident
- Manager Development Course (MDC) DL
- Advanced Course (AC) DL and Resident
- Continuing Education for Senior Leaders (CESL)
   DL

### Online Courses

Distributed Learning (DL) Available Through the Web

#### Supervisor Development Course

- Provide supervisors and managers with civilian administration skills such as work management and basic supervision
- Required for employees in supervisory and managerial positions

#### Manager Development Course

- Assist supervisors and managers with basic skills for managing work and leading people
- Recommended for all civilians in supervisory and managerial positions

#### Action Officer Development Course

- Developed for civilians who "work actions" on behalf of senior staff officers or commanders
- Required for interns before completion of the intern program

### Foundation Course

57 Hours Distributed Learning (DL)

The purpose of this course is to assist DA Civilians understand and appreciate Army values and customs, serve professionally as a member of the Department of the Army, and acquire foundation competencies for leader development

Know Army leadership and doctrine

Know how to build teams and practice group dynamics

Apply effective communication principles

Organize daily activities

Comprehend career progression for DA civilians

Apply the skills for increasing self-awareness

Meet DA administrative requirements

#### **Basic Course**

#### Two Weeks Resident, 34 Hours DL

The purpose of this course is to assist DA Civilians understand and apply basic leadership skills to lead and manage small teams successfully, apply effective communication skills, demonstrate internal and external awareness, and develop and mentor subordinates

Apply leadership skills Comply with applicable laws Improve self and subordinates

Demonstrate leader attributes

Manage mission accomplishment

### **Intermediate Course**

Three weeks resident, 91 hours distributed Learning (DL)

The purpose of this course is to assist DA Civilians manage human and financial resources, implement change, direct program management and systems integration, display flexibility, resilience, and focus on mission

Develop leader attributes

Develop management skills

Develop improved communication skills

Generate mission accomplishment

Prepare an organization for the future

### **Advanced Course**

Four weeks resident, 67 hours distributed Learning (DL)

The purpose of this course is to assist DA civilians become skilled in leading a complex organization, manage human and financial resources, lead change, inspire vision and creativity, direct program management and systems integration, display flexibility, resilience, and focus on mission

Lead people in a complex organization

Lead a complex organization inspiring vision and creativity

Operate within an environment of integrated systems with a focus on mission

### Registration

Log into CHRTAS - https://www.atrrs.army.mil/channels/chrtas/default.asp

**Select Civilian Education System** 

# Training Role & Responsibilities for Managers

- Be familiar with basic training regulations & laws
- Assess training needs of organization
- Report training needs in training needs survey
- Include training in organization's strategic plan
- Budget/commit funds for training
- Enforce mandatory training requirements
- Ensure new Supervisors complete mandatory training

(continued)

# Training Role & Responsibilities for Managers

- Develop an IDP for each employee
- Develop Training plans for Interns, VRA, etc.
- Counsel employees on career development
- Review LTT and Leader Dev applications and route to proper destination
- Provide new employee orientation
- Report completed training to Organizational Training Coordinator or G-1 CHRA HRD Division

# Training Role & Responsibilities for Managers

- Evaluate completed training
- Maintain Training documentation for:
  - Delegation of Authority to Approve Training
  - Purchase of Training
  - Training for Placement
  - Academic Degree Training
  - Continued Service Agreements
  - Recovery and waiver of training expenses
  - Acceptance of contribution, award or payment

## Other Leadership Training

- Offered by USDA Graduate School http://www.grad.usda.gov/index.php? option=com\_content&task=view&id=188&Itemid=200
- Aspiring Leader Program (GS 5-7) (ALED7200L)
   Strengthen core competencies, this program is designed to develop future public service leaders by providing individuals at the GS 5-7 levels with foundational leadership practices that are essential to your growth and success. This program is delivered in three, one-week seminars over a period of two months in Washington, D.C.
- New Leader Program (GS 7-11) (NLED7300L)
   The New Leader Program (NLP) is a six-month leadership development program designed to develop future public service leaders by providing a solid training and development foundation of leadership skills and team building, which are enhanced by agency developmental experiences.
- Executive Leadership Program (GS 11-13) (ELPG9000L)
  The Executive Leadership Program (ELP) is a 9-month nationwide program open to individuals at the GS 11-13 levels who have little or no supervisory experience. ELP provides various career planning, which gives participants the skills, experience and exposure to move into positions of more responsibility.

#### **BARRIERS**

Lack of reinforcement Interference from the work environment Non-supportive organizational culture Trainee discomfort with making a change Weak initial learning by the trainee

#### ASSESSING ORGANIZATIONAL NEEDS

- Organization's Strategic Plan
- New policy & regulations
- New equipment
- Organization structure changes
- Mission change
- How will loss of personnel impact training?

### ASSESSING INDIVIDUAL NEEDS

- Review job description
- What are the needed skills?
- How well / job standards
- Assess employee performance
- Communicate areas for improvement
- Career Development

#### TRAINING SOURCES

- Army AKO-Self Service / My Education
- IT Training SkillPort

https://www.us.army.mil/suite/portal/index.jsp

http://usarmy.skillport.com

 OPM-Government Online Learning Center http://www.golearn.gov/



Training is an Investment in Excellence. Make **Continuous Learning** one of gours

### COURSE OBJECTIVES

- Provide overview of civilian training rules and requirements.
- Prepare managers to properly approve civilian training requests.
- Provide required certification to allow managers to approve civilian training